

CITY OF BLOOMINGTON



April 21, 2016 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
 BOARD OF ZONING APPEALS
 April 21, 2016 at 5:30 p.m.

*Council Chambers - Room #115

ROLL CALL

MINUTES TO BE APPROVED: March 24, 2016

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

- Conflict of Interest Questionnaire

PETITION CONTINUED TO: May 26, 2016

- V-9-16 **Three Guys Funding, LLC**
 1909 W. 3rd St.
 Request: Variance from karst conservancy easement standards to allow development within required easement area and within the karst feature.
Case Manager: Jackie Scanlan

PETITIONS:

- UV/V-11-16 **Fox Property and Development**
 415 S. Washington St.
 Request: Use variance to allow first floor residential use in a Commercial General (CG) zoning district. Also requested are variances from front parking setbacks, side and rear building setbacks, rear buffer yard and landscaping standards.
Case Manager: Jackie Scanlan
- V-13-16 **Pamela White**
 1532 S. Maxwell St.
 Request: Variance from the requirement to install a sidewalk.
Case Manager: Jackie Scanlan

BOARD OF ZONING
Next Meeting Date: May 26, 2016
 Filename: I:\common\developmentreview\bza\agenda

1 APPEALS

April 21, 2016

***Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

CITY OF BLOOMINGTON CONFLICT OF INTEREST QUESTIONNAIRE

Under Indiana Code 35-44.1-1-4, a public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Level 6 Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant who is under the direct or indirect administrative control of the public servant; or receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant. "Dependent" means any of the following: a spouse; a child, stepchild, or adoptee who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The City's personnel policy states that "The City strives to avoid situations that have the potential for impropriety or the appearance of impropriety even where not expressly prohibited by state law."

Therefore, the City of Bloomington requests commissioners, board members and committee members to disclose certain interests as follows to ensure compliance with applicable State and local law.

1. Business Affiliations

Please list, and briefly explain, all affiliations which you, any member of your immediate family or any dependent (as defined above) has as a director, officer, partner, member, employee, consultant, agent or advisor of any entity or organization which transacts business with the City of Bloomington.

2. Outside Interests

Please identify all material financial interest or investment which you, any member of your immediate family or any dependent has in any entity which transacts business with the City of Bloomington. Exclude any equity or stock ownership by way of mutual fund, index fund, retirement account, pension account or similar brokerage based financial account.

3. Outside or Community Activities

Please list all affiliations you, any member of your immediate family or any dependent has as a volunteer in any capacity with any entity or organization which transacts business with the City of Bloomington. Please describe the individual's role by title or duties.

4. Other

Please list any other activities in which you, any member of your immediate family or any dependent (as defined above) are engaged that might be regarded as constituting a potential conflict of interest.

I agree to promptly report any material situation or transaction that may arise during the forthcoming calendar year that to my belief or knowledge constitutes a potential conflict of interest consistent with the above questions.

Signature

Date

Print Name

E-mail address

Title or Position with Governmental Entity

Please complete and return to Barbara E. McKinney, Assistant City Attorney, within two weeks. Email mckinneb@bloomington.in.gov, fax 812-349-3441. Thank you.

Updated 4/13/15

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 415 S. Washington Street

CASE #: UV/V-11-16
DATE: April 21, 2016

PETITIONER: Fox Property and Development
6440 Wellston Drive Bloomington

CONSULTANT: Smith Brehob & Associates, Inc.
453 S. Clarizz Boulevard Bloomington

REQUEST: The petitioners are requesting use variance approval to allow for a dwelling unit to be placed on the ground floor within a Commercial General (CG) Zoning District. The petitioners are also requesting development variances from front parking setbacks, side and rear building setbacks, rear bufferyard, and landscaping standards.

Area:	0.1572 Acres	
Zoning:	CG	
GPP Designation:	Downtown	
Existing Land Use:	Vacant	
Proposed Land Use:	Multi-family Residential/Commercial	
Surrounding Uses:	North	- Multi-Family Residential
	South	- Government Operations
	East	- Single Family Residential
	West	- Multi-Family Residential

REPORT: The petition site is zoned Commercial General (CG) and is located on the east side of Washington Street mid-block between E. 2nd Street and E. Smith Avenue. It is currently vacant and has little vegetation. Surrounding uses include Middle Way House to the north, a City of Bloomington Utilities storage building to the south, multi-family residential to the west, and single-family residential to the east.

The petitioners propose a three-story building with nine (9) one-bedroom apartments and 856 square feet of commercial space on the ground floor. The petitioners propose one of the nine apartment units to be located on the ground floor. This proposal complies with the Indiana State Building Code requirement related to provision of an accessible unit. To provide the accessible unit, the petitioners have the option of adding an elevator or including a unit on the ground floor. The Unified Development Ordinance does not allow residential units on the ground floor in multi-family buildings in the CG district. This provision was written before the State Code requirement for an accessible unit. The petitioners are requesting a use variance to allow for the ground floor unit.

Ground floor units are prohibited on the first floor in the CG district by the UDO to ensure that significant amounts of commercial property along major roadways are not consumed by solely residential uses. The UDO restrictions on development size and the physical restrictions of the lot combine to limit development in a way that makes an elevator impractical for this site. The petition site is less than .16 acres. Because of the

small size of the development, the petitioners have chosen to request the ground floor unit. The density of 9 one-bedroom units on this lot is allowed in the CG district, but only on the second floor and above.

This property has one adjacent CG lot to the south, and is otherwise surrounded by Commercial Downtown (CD) and Residential Multi-Family (RM) zones. Both this part of the CD district and the RM district allow for ground floor residential uses in multi-family buildings, as is exhibited on the multi-family properties directly to the north and west of the petition site.

The petitioners are also requesting development variances related to building setbacks, parking setbacks, and landscaping. There is a large box culvert located under the site that covers roughly 1,000 square feet of the western portion of the lot. The culvert runs diagonally on the front portion of the lot, northeast to southwest. Because of its location, an additional 1,450 square feet immediately adjacent to Washington Street is also limited for development. The City plans to move the culvert closer to Washington Street at some point in the future, but no timeline is currently proposed. The existing and future locations of the underground culvert necessitate atypical design for development on this lot.

The petitioners are also requesting development standards variances from front parking setbacks, side and rear building setbacks, rear bufferyard, and landscaping standards. This petition will meet all other standards including architectural, parking totals, height, and density requirements.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the use variance request at its April 11, 2016 meeting. The Plan Commission vote 6-0 to forward the use variance request to the Board of Zoning Appeals with a positive recommendation.

CG DISTRICT INTENT: Within the UDO is a description of the CG zoning district intent and guidance for the Plan Commission and Board of Zoning Appeals. Staff believes that this proposal meets the intentions for the district.

BMC 20.02.290 Commercial General (CG); District Intent

The CG (Commercial General) District is intended to be used as follows:

- Provide areas within the city where medium scale commercial services can be located without creating detrimental impacts to surrounding uses.
- Promote the development of medium-scaled urban projects with a mix of storefront retail, professional office, and/or residential dwelling units creating a synergy between uses where stand-alone uses have traditionally dominated.

Plan Commission/Board of Zoning Appeals Guidance:

- Site plan design should incorporate residential and commercial uses utilizing shared parking in order to ease the transition to residential districts.
- Street cuts should be minimized in order to enhance streetscape and improve access management.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

SITE PLAN ISSUES:

Parking: No parking is required for the commercial or multi-family uses. However, the petitioner proposes 5 parking spaces on the western side of the building and 3 parking spaces in the building. The proposed 856 square feet commercial area is allowed a maximum of 2 parking spaces. The additional 6 spaces are residential.

In the CG district, the UDO requires parking to be 20 feet behind the front building wall. Because of the location of the culvert on the western portion of the lot, the building footprint is pushed to the eastern portion of the lot, away from the street frontage. Any surface parking is therefore only possible in front of the building. The petitioners are seeking a variance to the front minimum parking setback standard.

The petitioners are working with the City of Bloomington Utilities Department on an agreement addressing any installed parking at such time that the culvert construction commences, and final design of the area over the proposed culvert location. An agreement in principle has been reached.

Building Setbacks: The lot is 52 feet wide by 132 feet in length. The underground culvert extends 54 feet into the lot from Washington Street, on the northern side of the parcel. This is 40% of the depth of the lot. No building can be built over or near the culvert, reducing the buildable area on the lot by 40%. The City plans to move the culvert closer to Washington Street at some point in the future, but has no current timeline for construction. As a result, any building constructed in the interim must be set to the rear, or eastern portion, on the lot. The petitioners are requesting side and rear yard setback variances to help offset the lost buildable area on the front of the lot. The CG district requires a 7 foot side yard building setback, and the petitioners request to be located 1 foot from the northern alley. The CG district requires a 7 foot rear yard setback and the petitioners request to be located 5 feet from the eastern alley. The 7 feet requirement is in addition to the required 15 foot landscaped bufferyard. If both standards were met, the building would be 22 feet from the rear property line.

Impervious Surface Coverage: The CG district allows for a maximum impervious area of 60% of the lot. The proposed final site plan meets this requirement through greenspace and the use of permeable pavers in the 5 parking spaces and on an outdoor patio. The result will be 59.8% lot coverage. The interim site plan, before the new culvert

is installed, will not meet impervious surface requirements, as the parking spaces will be paved.

Landscaping: The UDO requires a 15 foot bufferyard on CG lots that are adjacent to RM districts. The RM district is immediately east of the petition site. The east side of the building is designed to provide vehicular and pedestrian access to the building from the alley. No landscaping is provided in this location and the building is 5 feet from the property line. The petitioners have requested a variance to the bufferyard requirement. A 15 foot bufferyard on this site is impractical because of the constraints of the developable area on the lot. In addition, a 12 foot alley runs between the CG and RM districts in this area, providing a physical separation of uses.

The location of the culvert also drastically limits potential greenspace areas on the lot. The petitioners have proposed a landscape plan that does not meet the UDO street tree and interior planting requirements. The petitioners request variances to those two standards which they are unable to meet due to the current and future culvert locations. The petitioners will meet parking lot perimeter landscaping standards, and propose shrubs and perennials in lieu of the street trees that would otherwise be planted directly over the future culvert. Petitioners will work with city staff to ensure that as much greenspace and landscaping is incorporated as possible. The project will be completed in two phases. The majority of the landscaping will be installed in Phase I, which will take place at the time of construction. Phase II will occur after the culvert work is complete and will include the remainder of the landscaping and the permeable pavers.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

Staff Finding: Staff finds no injury with the proposed first floor residential use. Both residential and non-residential uses are permitted and exist in the surrounding zones.

- (2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

Staff Finding: Staff finds no substantial adverse impacts to the adjacent area from this request. Conversely, staff finds that the redevelopment of a longstanding blighted site will have a positive impact to the adjacent area.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

Staff Finding: Staff finds peculiar condition resulting from a combination of the lot size; constraints resulting from the existence of a city-owned culvert on the front portion of the lot; and the character of the area, which allows for ground floor residential in the surrounding zones. Staff finds that this property has been a vacant site for many years and redevelopment of this site is difficult as it is a substandard-sized lot. With the development constraints imposed by lot size and the culvert location, a larger building is not possible. As a result, the State requirement for an accessible unit necessitates the unit be located on the ground floor of this site. Staff finds that the building will still contain a commercial presence on the first floor.

Staff also finds peculiar condition in the small number of units proposed for this infill lot. The size of the building and the limited size and number of units makes development of an elevator impractical for the property.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

Staff Finding: Staff finds that strict application of the UDO constitutes an unnecessary hardship because the combination of the site constraints only allowing a smaller building and the State's requirement to provide a handicap accessible unit, necessitate construction of a ground floor unit. Although a solely commercial building or single-family dwelling could be constructed, the mixed-use of the project is desirable.

- (5) *The approval does not interfere substantially with the Growth Policies Plan.*

Staff Finding: The Growth Policies Plan (GPP) designates this property as Downtown. The Downtown designation "is a mixed use, high intensity activity center serving regional, community-wide, and neighborhood markets. Bloomington must strive to improve downtown as a compact, walkable, and architecturally distinctive area in the traditional block pattern that serves as the heart of Bloomington while providing land use choices to accommodate visitors, business, shoppers and residents.' Land use policies for this area state that:

The Downtown area should be targeted for increased residential density (100 units per acre) and for intensified usage of vacant and under-utilized buildings

The mix of retail goods and services must be expanded and diversified at both the neighborhood and community scales of activity, including such uses as groceries, drug stores, and specialty item stores.

Utilities improvement projects, especially those dealing with stormwater drainage facilities, must be coordinated with streetscape improvement projects to minimize impacts on downtown businesses and residents.

Although residential units are allowed only on the second floor and above, staff finds this property to have unique constraints that limit the size of the building and make ground floor residential reasonable. Due to the physical constraints of the lot on development and adjacent ground floor residential uses, the Plan Commission found that the proposed use did not substantially interfere with the GPP. This petition would still allow for a mixed use building even though the building contains a single ground floor apartment.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.09.130 e) Standards for Granting Variances from Development Standards (Front Parking Setback): A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

STAFF FINDING: Staff finds no injury with this petition. The proposed parking location will have no negative effects on the general welfare of the community. The location is on a portion of the lot that cannot be used for a building site and the final site plan will utilize permeable pavers in the parking area.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no adverse impacts to the use and value of surrounding properties as a result of the requested variance. There is parking adjacent to or in front of the buildings on the lots in the surrounding area. The proposal redevelops a vacant lot, which can only enhance rather than detract from the value of adjacent properties.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

STAFF FINDING: Staff finds peculiar condition resulting from the location of a city-owned culvert on the front portion of the lot, which does not allow for any buildings to be constructed in that area. Any building must be set back behind the culvert area, leaving no room for surface parking 20 feet behind the building. Staff finds that this property has been a vacant site for many years and redevelopment of this site is difficult as it is a substandard-sized lot with extra constraints imposed by the culvert.

20.09.130 e) Standards for Granting Variances from Development Standards (Building Side and Rear Setbacks): A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

STAFF FINDING: Staff finds no injury to the general welfare of the community with this petition. Approval will allow for a project that meets density and architectural requirements.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no adverse impacts to the use and value of surrounding properties as a result of the requested variances. The project contains multi-family residential and commercial space, which are both found in the surrounding area. The Downtown Core Overlay, present in the CD zone on the west side of S. Washington has zero feet side and rear setback requirements. The site is surrounded by alleys on the north and east side, which provide built-in separation from surrounding uses. The CBU building to the south appears to be roughly 3 feet from the property line. The proposal is in character with the setbacks of the surrounding area. The proposal redevelops a vacant lot, which can only enhance rather than detract from the value of adjacent properties.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

STAFF FINDING: Staff finds peculiar condition resulting from the location of a city-owned culvert on the front portion of the lot, which does not allow for any buildings to be constructed in that area. Roughly 40 percent of the front of the lot is not useable for building construction. Staff finds that side and rear yard setback variances allow for some mitigation of the large constraint imposed by the culvert. The Downtown Core Overlay, present in the CD zone on the west side of S. Washington has zero feet side and rear setback requirements. Staff finds that the reduced setbacks are consistent with the character of the area. Staff finds that this property has been a vacant site for many years and redevelopment of this site is difficult as it is a substandard-sized lot with extra constraints imposed by the culvert.

20.09.130 e) Standards for Granting Variances from Development Standards (Bufferyard and Landscaping): A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

STAFF FINDING: Staff finds no injury with this petition. The eastern side of the property is adjacent to a 12 foot alley, which provides some separation between the site and the adjacent RM district, otherwise provided by a bufferyard. The front portion of the lot will be landscaped to the maximum practical extent.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no adverse impacts to the use and value of surrounding properties as a result of the requested variances. The alley east of the petition site provides separation from the RM district properties. The site will be landscaped to the maximum extent possible after the culvert work is done, and there will be landscaping installed in the interim, as well. The petition redevelops a currently vacant, graveled site.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

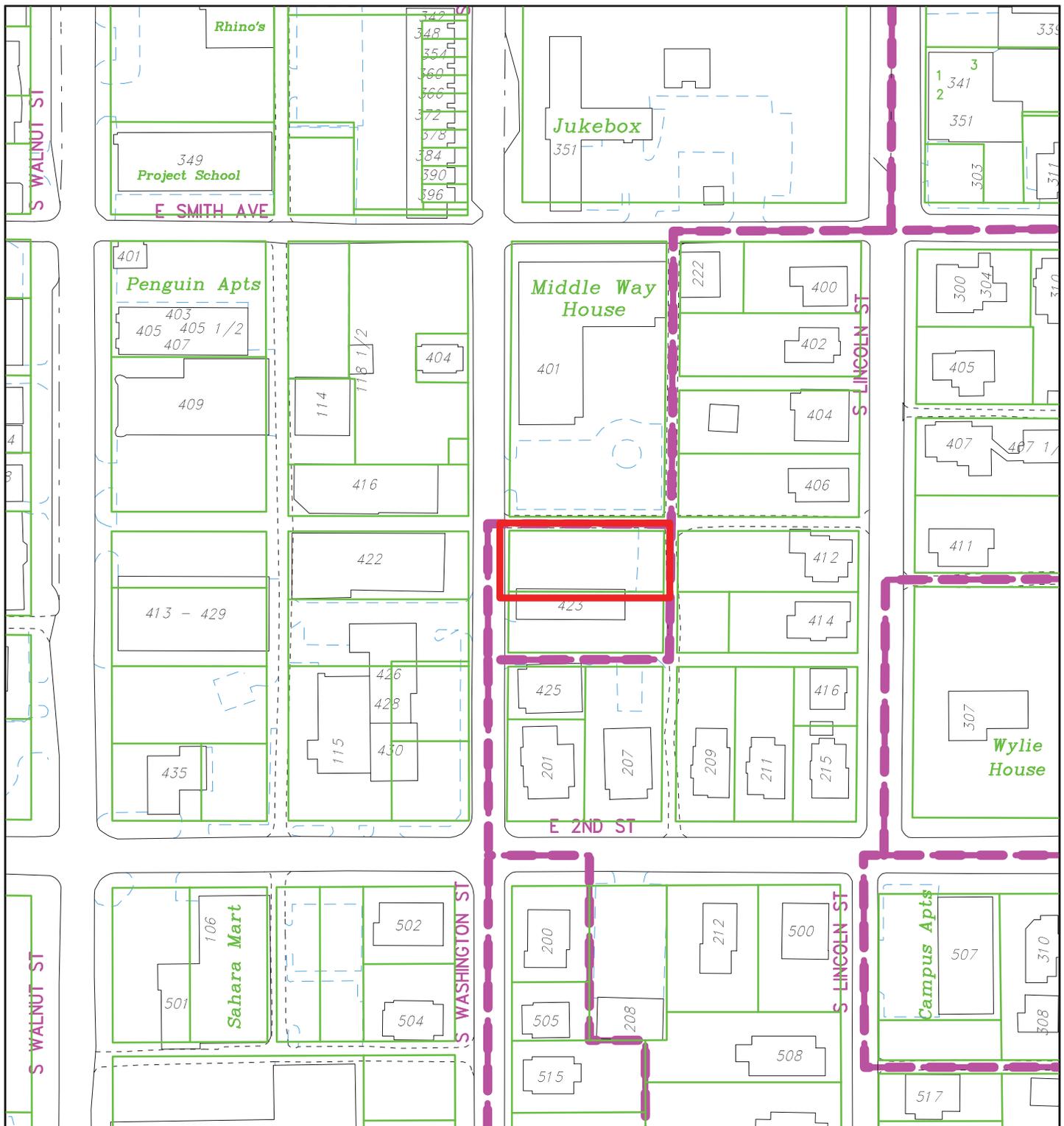
STAFF FINDING: Staff finds peculiar condition in the site constraints imposed by the existing and future culvert locations. Because the building must be set to the rear of the property, a rear bufferyard is impractical. The location of the existing and future culverts limit landscaping options. Staff finds that although all landscaping standards will not be met, the petitioners will provide the maximum amount of landscaping possible to benefit the site and surrounding areas.

RECOMMENDATION: Staff recommends approval with the following conditions:

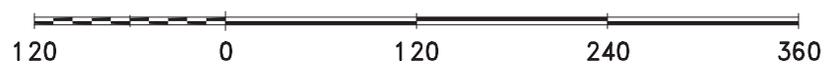
1. Approval allows for only one ground floor residential unit.
2. Final approval by City of Bloomington Utilities of agreement related to development over and around the culverts is required before a certificate of zoning compliance can be issued for the site.
3. Final approval of phasing of landscaping and permeable paver installation will be left to staff discretion.
4. Final approval of both interim and final landscape plan will be left to staff

discretion.

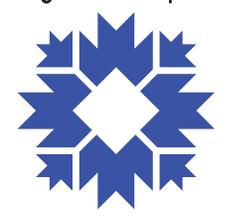
5. Prior to occupancy, the petitioners shall record a zoning commitment to complete pavers and final landscaping within 4 months of relocation of Jordan River culvert.



By: scanlanj
9 Mar 16

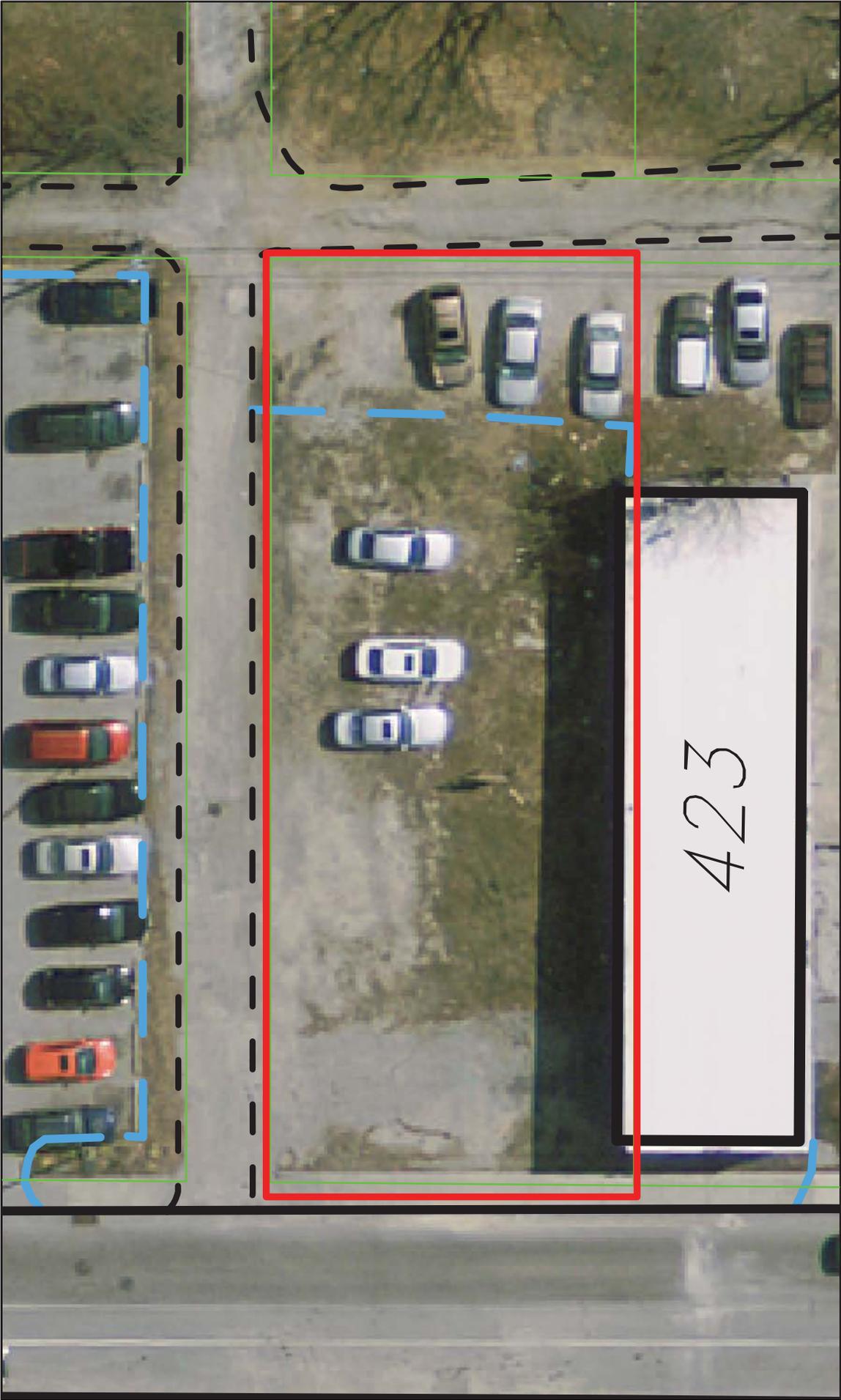


City of Bloomington
Planning & Transportation



Scale: 1" = 120'

For reference only; map information NOT warranted.



By: scanlanj
9 Mar 16



City of Bloomington
Planning & Transportation



Scale: 1" = 20'

For reference only; map information NOT warranted.





Providing professional land planning, design, surveying and approval processing for a sustainable environment.

Stephen L. Smith P.E., L.S.
Steven A. Brehob B.S., C.A.T.

February 26, 2016

James Roach
City of Bloomington Planning
401 N. Morton Street
Bloomington, IN. 47404

RE: 415 S. Washington Street

Dear James,

On behalf of our client, Justin Fox, we respectfully request to be placed on the Plan Commission agenda for the April 4th meeting for consideration of a Site Plan approval for the property located at 415 S. Washington Street.

Details of the request are contained in the Petitioner's Statement and attached drawings and exhibits. Should you have any questions, please contact me.

Sincerely,

Steve A. Brehob

Cc: 5237 approval processing
Attachments: Petitioner's Statement
Application Form
2 plan sets
1 CD containing PDF's

J:\5237_415 S Washington\Approval processing\Application letter_2-26-16.docx

Smith Brehob & Associates, Inc.



Providing professional land planning, design, surveying and approval processing for a sustainable environment.

Stephen L. Smith P.E., L.S.
Steven A. Brehob B.S.Cn.T.

Petitioner's Statement

Location and Property Size

The project is located at 415 S. Washington Street, just north of the intersection of Washington and 2nd Street on the east side of Washington Street. The property is 0.15 acres in size.

Zoning

The site is zoned CG – General Commercial. The area to the north is and west is zoned CD – Downtown Commercial. The City owned property immediately to the south is also zoned CG. The residential property to the east and south is zoned RM – Residential Multifamily. Zoning would permit a development density for residential use of 15 units per acre or 2.25 units. Ground floor commercial is required. Ground floor residential is not permitted.

Zoning Standards

CG setbacks require a 15' front yard building setback and 7' side and rear yard setbacks. Parking setbacks are also 7' for side and rear yards and 20' behind the front wall line of the building for the front yard parking setback. CG zoning requires a minimum lot width of 85' and prohibits ground floor residential. Maximum impervious surface coverage is 60%. The maximum building height permitted is 50.

Peculiar Conditions

There is a large storm sewer box culvert that bisects the property from NE to SW. It has been indicated that the City plans to reconstruct and relocate this box culvert further west towards Washington Street at some point in the future. The timing of said reconstruction is unknown at this point.

The location of the existing box culvert precludes shifting the building up to the front yard building setback. At this point, the building could be no closer than approximately 67' from the R/W line of S. Washington Street.

A strict application of the CG zoning standards would result in a site development as shown on Exhibit A. Any building would be limited to approximately 1200 SF of footprint due to setback and storm sewer constraints.

CG zoning requires ground floor commercial and parking is necessary for viable commercial development. Site setbacks and location of the storm sewer



box culvert would result in a plan that contains no more than 3 parking spaces located behind the building accessed off of the northern or eastern alley. Providing only 3 parking spaces in a location that is not visible is not viable for any commercial development.

Parking on the adjacent Middle Way House is not located 20' behind the front wall line of the building. Parking on the adjacent Goldcaster's site is located between the building and S. Washington Street.

Middle Way House to the north does not provide for ground floor commercial. The existing RM zoned properties to the east and south do not provide ground floor commercial. Ground floor commercial is also not required on the CD overlay zoning present on the properties to the west.

The CG designation for this property seems incompatible with the adjacent zoning and development.

Proposed Development

The development proposal more closely follows many aspects of the adjacent CD zoning. Due to the constraints of the existing and proposed storm sewer box culvert, the building cannot be shifted up to the required front yard setback in either CD or CG zone. The only use for the large front yard area on the property required by the storm sewer box culvert is parking. Parking will be required for viable ground floor commercial.

Front yard parking is provided for on the adjacent Gold Caster's site to the west and on the adjacent Middle Way House to the north.

Given the undetermined timing of the storm sewer box culvert replacement that will result in the temporary loss of said parking, a temporary conditions approach will have to be used where the parking is provided but not finished to its ultimate level of detail.

The front yard building setback for the property would be controlled by the presence of the existing and proposed storm sewer box culvert. Side yard parking setback off of the northern alley would be 6'. The building would be set approximately 1' off of the northern alley and 5' off of the eastern alley.

A total of 5 parking spaces are provided for the commercial area on the ground floor.

The site will utilize permeable pavers within the surface parking lot and outdoor plaza area to meet impervious surface coverage requirements.



Proposed Building

The permitted residential density on site is 2.25 units. Using DUE's, a total of 9 one bedroom units of less than 700 SF would be permitted ($2.25 \text{ units} / 0.25 = 9$). A total of 9 units are proposed. One unit is located on the ground floor and 4 units each on the 2nd and 3rd floor. The building also contains 856 SF of commercial area on the ground floor as well as 3 garage parking spaces.

Exterior Finish

The west façade of the building facing S. Washington Street will have a brick and storefront exterior with recessed entry, address and building name. The west façade will have a raised parapet and cornice treatment similar to the Fox Building located west of Washington Street that was recently constructed. The north façade will be all brick with the same cornice treatment. The south façade will have a 5' step back in the building above the ground floor to permit exterior balconies. Building materials will consist of horizontal lap siding. The and east facades will be horizontal lap siding with the same roof cornice treatment and garage doors on the ground floor to access the parking and service area.

Waivers

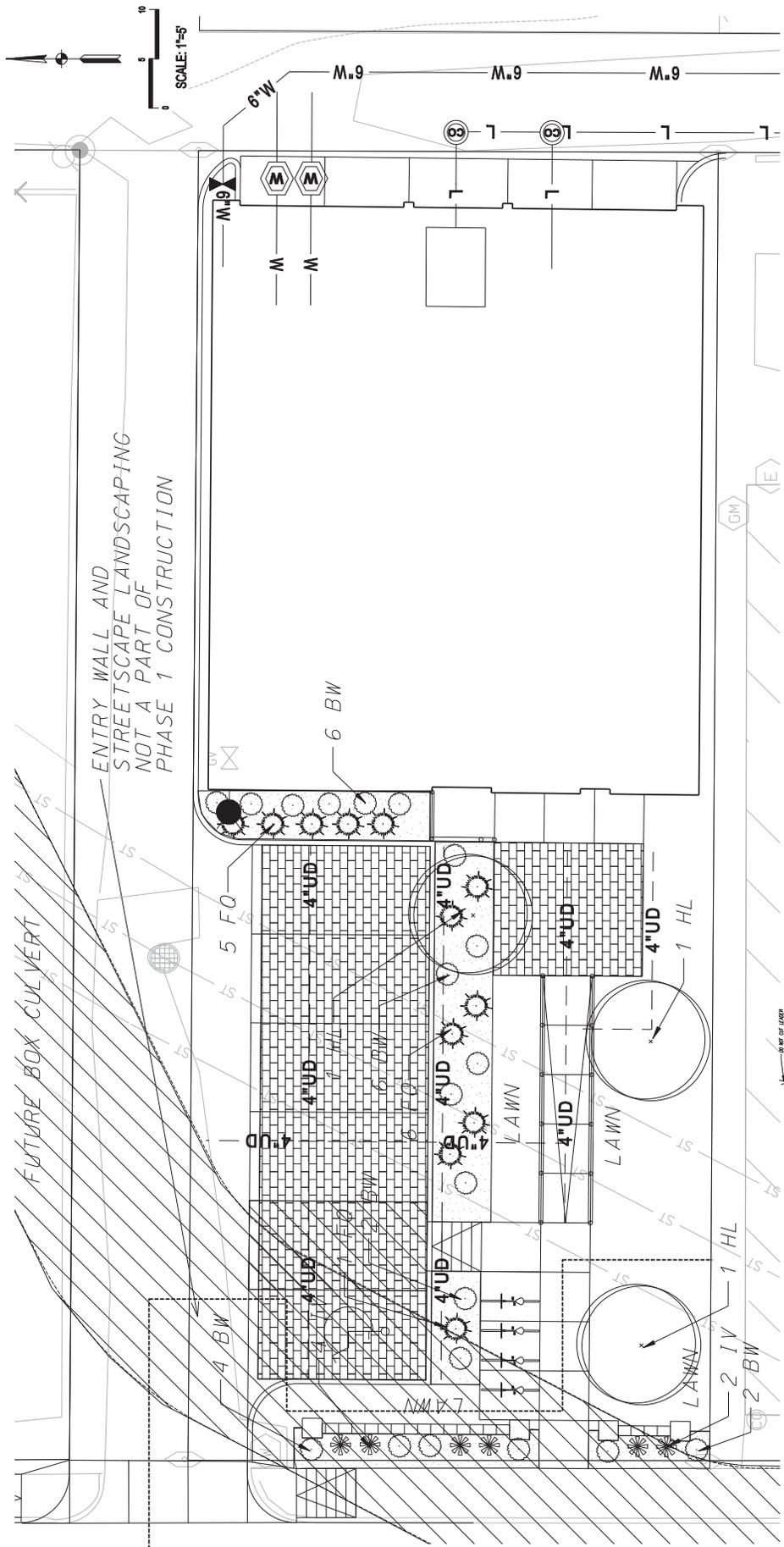
To complete the development as proposed, several waivers will be required:

1. Side yard building setback
2. Front yard building setback
3. Front yard parking setback

NO.	DESCRIPTION	DATE

DESIGNED	SAB
DRAWN	SAB
CHECKED	SAB
DATE	

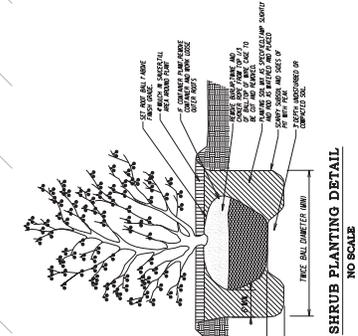
5237
 SHEET
 5 OF 7
 DATE 03/25/16
 LANDSCAPE
 PLAN



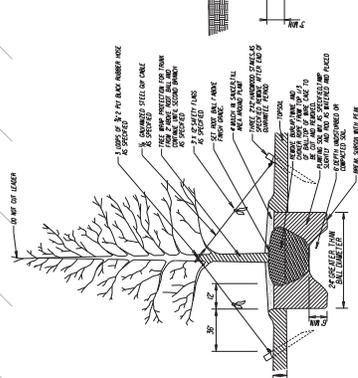
LANDSCAPE PLANT TABLE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
HL 2		GLEDITSIA TRIACANTHOS V. INERMIS	HONEYLOCUST	2" CALIPER
IV 6		VIRGINIA SWEETSPURE		3 GALLON
BW 28		BOXWOOD		3 GALLON
FO 12		CHENEMELLES	FLOERING QUINCE	3 GALLON

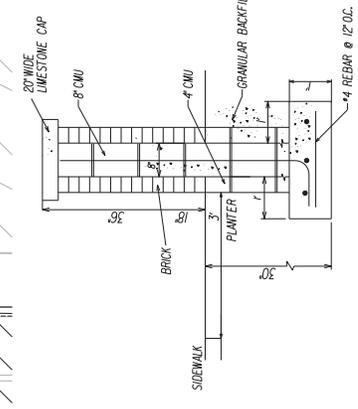
MINIMUM 12" TOPSOIL WITH 4" SHREDDED HARDWOOD BARK MULCH



SHRUB PLANTING DETAIL
 NO SCALE



TREE PLANTING & GUYING DETAIL
 NO SCALE



ENTRY WALL DETAIL
 NO SCALE







BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1532 S. Maxwell Street

CASE #: V-13-16
DATE: April 21, 2016

PETITIONER: Pamela White
 1528 S. Maxwell Street, Bloomington

REQUEST: The petitioner is requesting a variance from sidewalk requirements.

SITE DESCRIPTION: The property is located on the west side of S. Maxwell Street between E. Hillside Drive and E. Thornton Drive. The property is zoned Residential Single-family (RS), with RS to the north, south, and east. There is a residential PUD to the west. The petitioner plans to construct a single family house on the property, which is surrounded on all sides by single family houses.

The petitioners are requesting a variance from sidewalk requirements. The petitioner plans to construct a new single-family house on the site. Construction of a new house requires the construction of sidewalks on the adjacent street frontage. This property has frontage on South Maxwell Street. The petitioner is required to construct a 5 foot wide concrete sidewalk along S. Maxwell Street adjacent to the petition lot. There are currently no sidewalks along South Maxwell Street either on the block on which the petition site is located or the block immediately to the south. There is one additional vacant lot on either of those blocks. The required sidewalk would be approximately 64 linear feet. Construction of the sidewalk could harm the mature tree located very near the right-of-way along South Maxwell. The petitioner is requesting a variance so as to not be required to construct a sidewalk.

20.09.135 (c) Findings of Fact for Sidewalk Variance.

Pursuant to IC 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

Staff's Finding: Staff finds no injury to the public. This street has existed for many decades without a sidewalk with no known accidents or injuries. There are no existing sidewalks on this portion of South Maxwell Street.

- (2) *The use and value of the area adjacent to the property included in the Development Standards variance will not be affected in a substantially adverse manner; and*

Staff's Finding: Staff finds no substantially adverse impacts. Although the construction of sidewalks on all streets is desirable, this sidewalk will have negligible positive benefits to an area that has no existing sidewalks.

- (3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards variance will relieve practical difficulties; and*

Staff's Finding: Staff finds no peculiar condition with the site, other than the presence of a mature tree which may require either removal or meandering of the sidewalk to avoid it; and the immediate adjacency to developed lots which will not likely have opportunity for the continuation of sidewalk any time in the near future.

- (4) *That the topography of the lot or tract together with the topography of adjacent lots or tract and the nature of the street right-of-way make it impractical for the construction of a sidewalk as required by Section 20.05.010(b)(3); and*

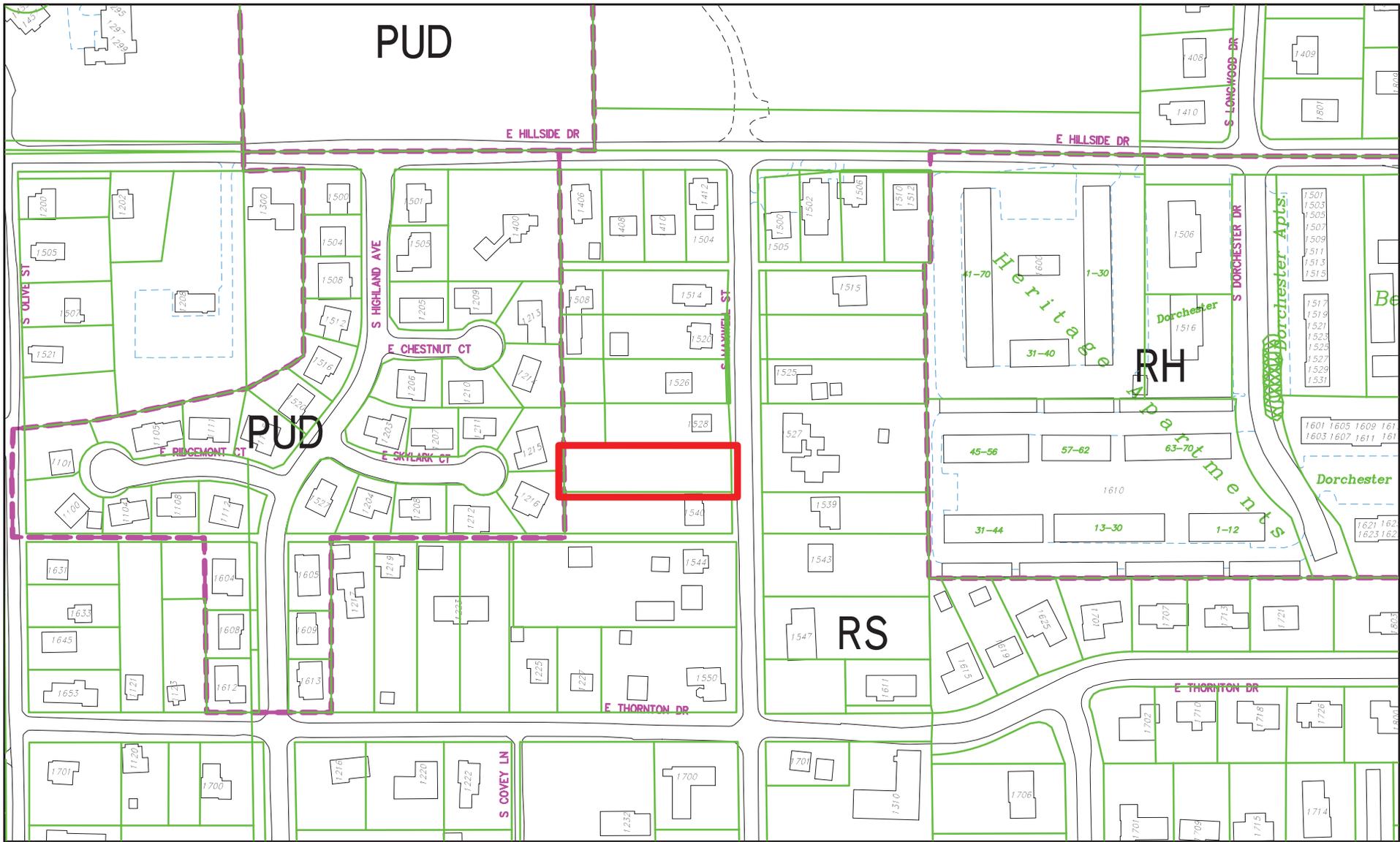
Staff's Finding: Staff finds that the topography on the petition lot and adjacent tracts do not make construction difficult.

- (5) *That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which the new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians.*

Staff's Finding: Staff finds that reasonably anticipated pedestrian traffic will not be such as to require sidewalks for the safety of pedestrians.

CONCLUSIONS: Staff finds that not requiring a sidewalk on this property will not endanger public or pedestrian safety. However, staff finds no substantial peculiar conditions and no topographic barriers.

RECOMMENDATION: Based upon the written report, staff recommends denial of the sidewalk variance request.



By: scanlanj
14 Apr 16

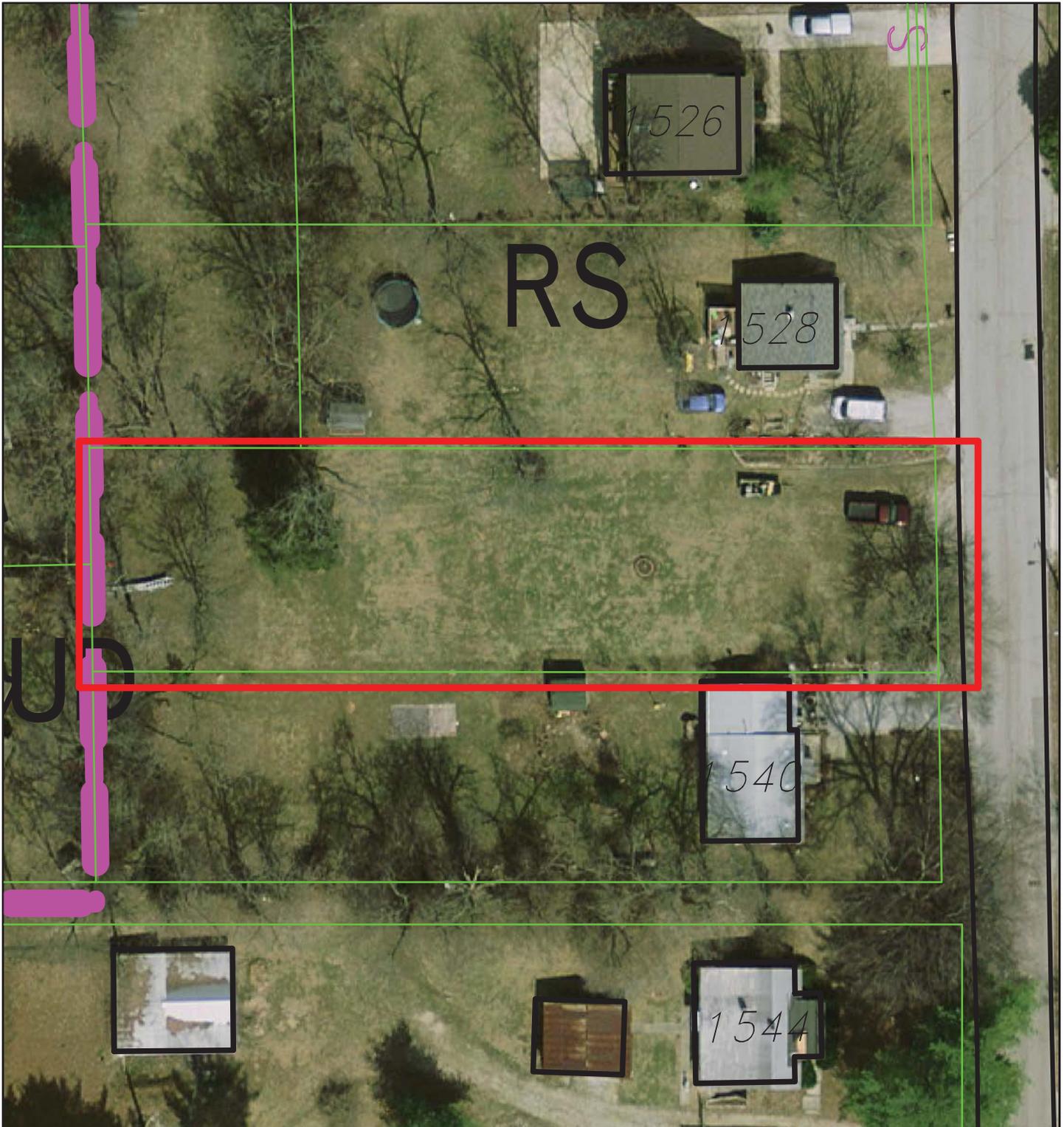


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 200'



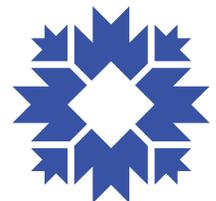
By: scanlanj
14 Apr 16



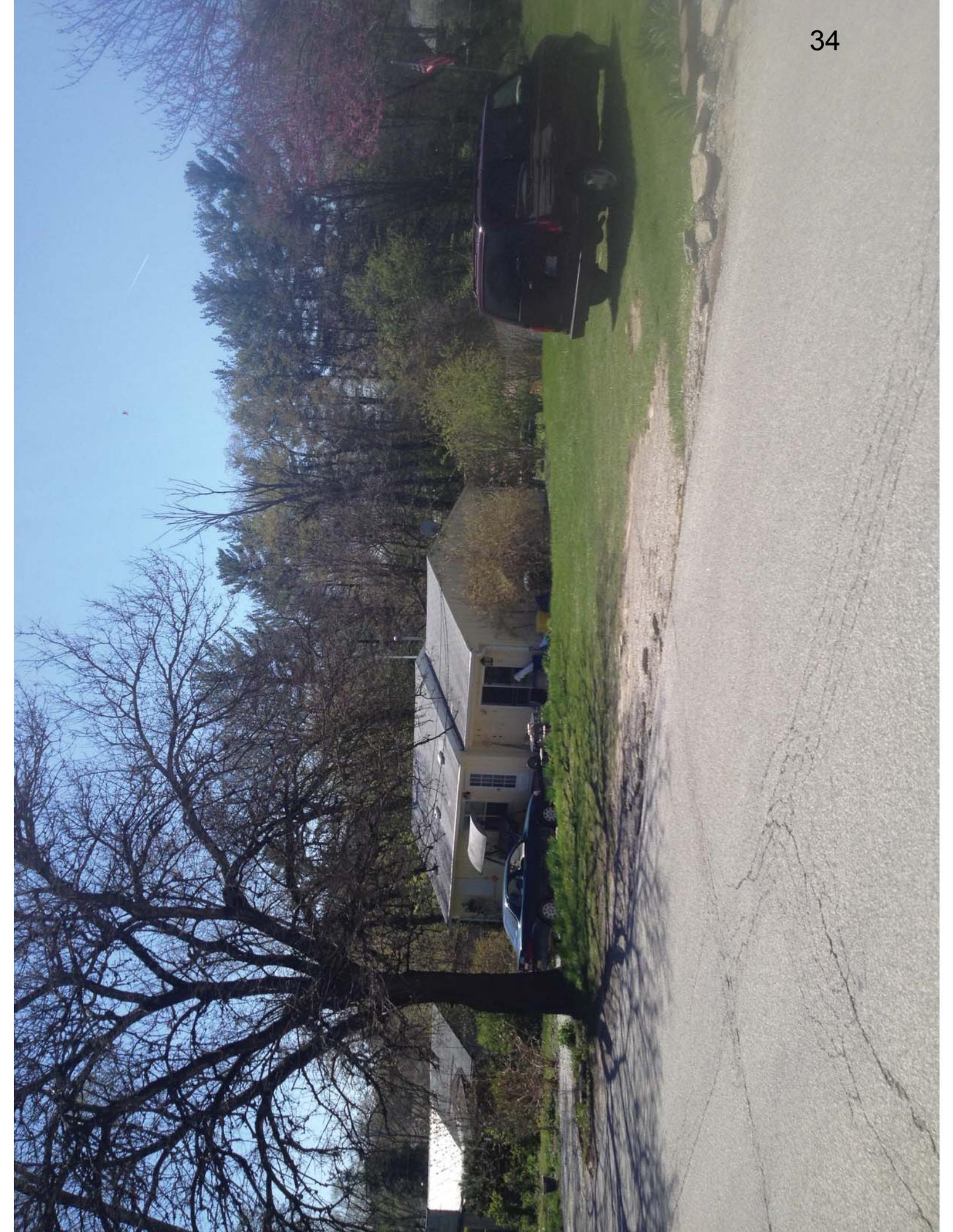
For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 40'



Pamela White
South Maxwell Street
Bloomington, IN 47401

Request: Sidewalk variance

Site description: West side of South Maxwell Street surrounded by single-family homes. (Lot # 19, Huntington Park, 63.5" x 240")

I am requesting a sidewalk variance because there are no other sidewalks on Maxwell Street and in the last 18 years 12 new houses have been constructed in a two block area and sidewalks were not required. When Hillside Drive was upgraded sidewalks were constructed on the east side of Maxwell Street and property was purchased to continue sidewalks on that side. There will be a great amount to fill required and a mature tree to be removed.

Findings of fact for sidewalk variance:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Granting of the variance will not be injurious of the community since there are currently on sidewalks on Maxwell St.

- 2) *The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner.*

The value and use of adjacent properties will not be affected by this variance since there are no sidewalks on these properties.

- 3) *The strict application and terms of the United Development Ordinance will result in practical difficulties in the use of the property; that the development standards variance will relieve the practical difficulties.*

The practical difficulty of requiring the construction of a sidewalk is the only large mature tree on the front of the lot would have to be removed.

- 4) *That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way makes it impractical for construction of a sidewalk as required by Section 20.05.010(b)(3).*

Construction difficulties includes the amount of fill required to bring the sidewalk to the level required and the removal of the only large mature tree on the front of the lot.

- 5) *That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians.*

The safety of pedestrian traffic will not be affected since there are no sidewalks on Maxwell.

PLOT PLAN FOR T.A. FULLER HOMES, INC.
Huntington Park
LOT NUMBER 19

PAM WHITE - 1532 S. MAXWELL ST.

